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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION EIGHT

In re K.D., a Person Coming Under the  
Juvenile Court Law.

B239308

THE PEOPLE,

(Los Angeles County  
Super. Ct. No. KJ34777)

Plaintiff and Respondent,

v.

K.D.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County. Phyllis Shibata, Temporary Judge (see Cal. Const., art. VI, § 21). Affirmed.

James M. Crawford, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Steven D. Matthews and Analee J. Brodie, Deputy Attorneys General, for Plaintiff and Respondent.

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## **BACKGROUND**

At 2:00 a.m. on June 14, 2011, Heon Yon Yoo was notified by his alarm company that someone had broken into his store, KL 99 Cent Store in Pomona. The Pomona Police Department also received a call at 2:22 a.m. that morning, about a potential burglary at the KL 99 Cent Store by four individuals wearing sweatshirts and carrying backpacks. According to the caller, the four suspects appeared to run from the store toward the 200 block of West Grove.

Yoo arrived at the store shortly before officers from the Pomona Police Department. A window had been broken and merchandise was scattered on the floor and outside of the store. Yoo noticed that some items had been stolen, including T-shirts, shorts, jewelry, ear phones, a BB gun, and a case of 50 Bic brand lighters. Officer Timothy Ugarte began searching the area near the store. At 2:35 a.m., he found K.D. lying face down underneath a parked car at 174 West Grove Avenue. K.D. was approximately 150 yards from the store. He was wearing a sweatshirt and had 12 Bic lighters in his front pocket. Clothing that had been stolen from the store had been thrown behind a wooden fence into a backyard 15 feet away.

K.D. denied burgling the store. He explained that he was headed home from a friend's 18th birthday party at approximately 2:00 a.m. when he stopped to buy fast food near the KL 99 Cent Store. He noticed some lighters on the ground outside the store as he passed by and picked them up. When K.D. saw the police, he ran and hid under the car because he was in violation of his probation and "didn't want to get in trouble." In 2010, K.D. had admitted to felony possession of a weapon on school grounds (Pen. Code, § 626.10, subd. (A)(1)), and had been placed on probation. K.D. testified he lived approximately 10 minutes away and he had five lighters in his possession, but two were his.

Because he was a minor, a Welfare and Institutions Code section 602 petition was filed against K.D. alleging he committed second degree commercial burglary under Penal Code section 459 and petty theft under Penal Code section 484, subdivision (a). An adjudicated hearing was held on January 19, 2012. Testimony was elicited from Yoo,

Ugarte and K.D. as stated above. The juvenile court sustained the petition and in a dispositional hearing on February 16, 2012, K.D. was declared a ward of the court and placed at home on probation. K.D. appealed.

### **DISCUSSION**

On appeal, K.D. contends that there was insufficient evidence to support his commercial burglary adjudication since the People failed to present any proof he entered the KL 99 Cent Store with the intent to commit theft or any felony. (*People v. Anderson* (2009) 47 Cal.4th 92, 101.) K.D. argues that his possession of the Bic lighters alone cannot support an inference of guilt particularly since there was no corroborating evidence that he participated in the burglary. We disagree.

“Possession of recently stolen property is so incriminating that to warrant conviction there need only be, in addition to possession, slight corroboration in the form of statements or conduct of the defendant tending to show his guilt.” (*People v. McFarland* (1962) 58 Cal.2d 748, 754.) Corroborating circumstances “need not be sufficient to prove guilt by itself” and may include “[f]light, false statements showing consciousness of guilt or as to how the property came into defendant’s possession, assuming a false name, [or] inability to find the person from whom defendant claimed to have received the property . . .” (*People v. Moore* (2011) 51 Cal.4th 1104, 1130-1131; *People v. Taylor* (1935) 4 Cal.App.2d 214, 217.) “And when defendant makes an explanation as to the manner in which he came into possession of such stolen property, the question as to whether he is telling the truth in that regard rests solely with the jury.” (*People v. Taylor, supra*, at pp. 217-218.) Our review is limited to evaluating “the whole record in the light most favorable to the judgment to determine whether it discloses substantial evidence—that is, evidence that is reasonable, credible, and of solid value—from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt.” (*People v. Stanley* (1995) 10 Cal.4th 764, 792-793; *In re Matthew A.* (2008) 165 Cal.App.4th 537, 540 [applying standard of review to juvenile cases].)

With these guidelines in mind, we conclude that the record contains substantial evidence to support the juvenile court's findings. The evidence shows that less than 30 minutes after the burglary, K.D. was found hiding under a car 150 yards from the crime scene with stolen Bic lighters in his pocket and other stolen merchandise thrown over a fence 15 feet away. The car he was hiding under was located in the area where the burglars were reported to be running toward. The burglars were also seen wearing sweatshirts, which is what K.D. was wearing as well. Coupled with his possession of the recently stolen Bic lighters, K.D.'s flight and the location of his hiding place are sufficient corroborating evidence to connect him to the burglary. The court was entitled to, and did, distrust K.D.'s explanation that he merely found the lighters on the sidewalk on his way home from a party. We are not empowered in this case to override this reasonable conclusion. (*People v. Stanley, supra*, 10 Cal.4th at p. 793 [“ ‘ “If the circumstances reasonably justify the trier of fact's findings, the opinion of the reviewing court that the circumstances might also reasonably be reconciled with a contrary finding does not warrant a reversal of the judgment.” ’ ”].)

#### **DISPOSITION**

The order of the juvenile court is affirmed.

BIGELOW, P. J.

We concur:

RUBIN, J.

GRIMES, J.